

PATENT

Navy Case 83373

REMARKS

Claims 1-19 are in the case as of the date of this amendment.
No claims have been allowed.

Claims 1-2 and 4-19 are rejected under 35 U.S.C. 103(a) as being obvious over Nuckols et al. (U.S. Patent No. 6,463,925) in view of Jenkins et al.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nuckols et al., together with Jenkins et al., as applied to claims 1-2 and 4-19 above, and further in view of Golben (U.S. Patent No. 6,508,866).

These rejections are respectfully traversed.

The Examiner has noted that U.S. Patent No. 6,463,925 to Nuckols et al. constitutes prior art only under 35 U.S.C. 102(e).

Further, the Examiner has indicated that the above-noted rejections can be overcome by showing that the subject matter of the reference and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person as set forth in MPEP §706.02(1)(1) and §706.02(1)(2).

Accordingly, Applicants have submitted herewith a "STATEMENT OF COMMON OWNERSHIP" that clearly and conspicuously states that Applicants' instant application (i.e., serial number 10/034,039) and U.S. Patent No. 6,463,925 were, at the time the invention claimed in Applicants' instant application was made, owned by or

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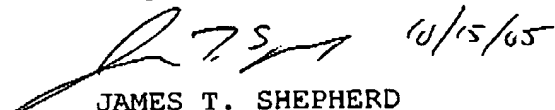
subject to an obligation of assignment to The United States of America as represented by the Secretary of the Navy. Therefore, it is respectfully submitted that Nuckols et al. (U.S. Patent No. 6,463,925) should be disqualified as prior art in the instant application.

In view of the above, it is also respectfully submitted that the rejections under 35 U.S.C. 103 are no longer applicable, and that Applicants' claims 1-19 in the instant application are in condition for immediate allowance.

None of the remaining prior art cited by the Examiner appears to teach or even suggest the unique combination taught by Applicants. In view of all the art of record, the claims remaining in the case are considered to patentably distinguish thereover.

It is submitted in view of these remarks that all grounds for rejection have been removed by the foregoing amendment. For the hereinabove reasons, Applicants solicit an early and favorable response.

Respectfully submitted,



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